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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,728	11/14/2005	Takeshi Iwatsu	277196US6PCT	5591
22850	7590	01/14/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LAM, DUNG LE	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			01/14/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/556,728	<b>Applicant(s)</b> IWATSU ET AL.	
	<b>Examiner</b> DUNG LAM	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)–(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement submitted on 5/ 16/06 has been considered by the examiner (see attached PTO-1449 form).

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Providing available status of content and authentication.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 3 recites,

“The information provision method according to claim 1, further comprising the step of performing an information provision service by transmitting information about said information provision service to said broadcast receiver in accordance with access to said address from said broadcast receiver”

It is unclear why “The information provision service seems to sent to said broadcast receiver and yet it is also from the broadcast receiver”.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 rejected under 35 U.S.C. 101 because independent claim 12 recites, “An information provision program” which is seemingly calling for a computer program. Since a computer program is nonfunctional descriptive material and does not belong to any statutory subject matter, it is unpatentable (see MPEP 2106.01 [R]).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim(s) **1-15** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hirohata** (JP 2002-135671) in view of **Ferris** (US Pub. No. 2003/0104832).

5. Regarding **claim 1**, **Hirohata** teaches a n information provision method comprising the steps of:

- receiving broadcast station identification information for identifying a currently received broadcast station from a broadcast receiver (request includes a channel, [15,18]); and
- transmitting an address corresponding to said information provision service to said broadcast receiver (URL is sent as response [15, 18-19]).

However, Hirohata does not explicitly teach the transmitting of state information which indicates states of an information provision service concerning said broadcast station corresponding to said broadcast station identification information. In an analogous art, Ferris teaches the transmission of a broadcast station ID along with the state of when the channel is available ([29, 33] and Fig. 2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Hirohata's teaching.

6. Regarding **claim 2**, **Hirohata and Ferris** teach the information provision method according to claim 1, wherein said transmission step transmits said state information and said address to said broadcast receiver at least when said information provision service is available (Ferris [29, 33] and Fig. 2).

7. Regarding **claim 3**, **Hirohata and Ferris** teach the information provision method according to claim 1, further comprising the step of performing an information provision

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service by transmitting information about said information provision service to said broadcast receiver in accordance with access to said address from said broadcast receiver (Ferris [18-19, 29, 33] and Fig. 2).

8. .Regarding **claim 4, Hirohata and Ferris** teach the information provision method according to claim 1, wherein said transmission step transmits additional information corresponding to said broadcast station identification information as well as said state information to said broadcast receiver (Ferris [18-19, 29, 33] and Fig. 2).

9. Regarding **claim5, Hirohata and Ferris** teach the information provision method according to claim 1, wherein said transmission step transmits said state information provided by a content server providing said information provision service to said broadcast receiver and uses an address provision server to transmit an address of said content server providing said information provision service to said broadcast receiver (Ferris [15, 19] and Fig. 2).

10. Regarding **claim6, Hirohata and Ferris** teach the information provision method according to claim 1, except they do not teach the multiple handshaking's of authentication process. In an analogous art, **Shamsaasef** teaches a server to provide information about said information provision service receives request information which requests information about said information provision service and a service session ID equivalent to a session ID associated with said server, transmitted from said broadcast receiver based on said address ([58-59]);

11. said server performs an authentication process based on said service session ID and, when an authentication error occurs, transmits information indicating the

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authentication error and identification information for identifying said server to said broadcast receiver ([59-60]);

12. an authentication server receives authentication ticket issuance request information which requests to issue an authentication ticket for access to said server as well as an authentication session ID equivalent to a session ID associated with said authentication server, from said broadcast receiver; said authentication server authenticates said authentication session ID, when granting an authentication, issues an authentication ticket, and transmits said issued authentication ticket to said broadcast receiver ([59-60]);

13. said server receives said authentication ticket transmitted from said broadcast receiver and transmits said received authentication ticket to said authentication server; said authentication server, when authenticating said received authentication ticket to be valid, transmits information indicating authentication permission to said server; said server receives said information indicating authentication permission, issues a service session ID as a session ID associated with said broadcast receiver, and transmits said issued service session ID to said broadcast receiver ([58-59, 62]);

14. said server receives said request information as well as said service session ID from said broadcast receiver; and said server performs an authentication process based on said service session ID and, when granting an authentication, transmits associated information corresponding to said request information to said broadcast receiver ([58-59, 62]); Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Hirohata and Ferris' teaching of content

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request with Shamsaasef's teaching of authentication handshakings to make sure that only authorized users can receive content.

15. Regarding claims 7-11, they are apparatus claims that correspond to method claims 1-5. Therefore they are rejected for the same reasons as claims 1-5.

16. Regarding claims 12-15, they are programs/apparatus/method/apparatus claims that have the same corresponding limitations as method claim 1. Therefore they are rejected for the same reasons as claim 1.

### ***Citation of Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6628928 discloses a system of requesting content.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617

/Dung Lam/

Examiner, Art Unit 2617